

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Civil Action No.: 03-12560RGS

DAVID DEITZEL	)
Plaintiff,	)
vs.	)
SPRINGFIELD TERMINAL	)
RAILWAY COMPANY AND	)
GUILFORD RAIL SYSTEMS	)
Defendant.	)

**STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO FRAP  
LOCAL RULE 42(a) OF THE FIRST CIRCUIT AND FRCP 41(A)(1)(ii)**

NOW come the parties to the above-entitled action, pursuant to the provisions of Federal Rule of Appellate Procedure Local Rule 42 (a) of the First Circuit and Federal Rule of Civil Procedure 41 (a)(1)(ii), and by and through their respective counsel hereby stipulate that said action be dismissed as to all claims with prejudice and without costs or expenses.

Respectfully submitted,  
The Plaintiff-Appellee,  
David Deitzel,  
By his attorney,

The Defendant-Appellant,  
Springfield Terminal Railway Company  
By its attorney,

/s/ Rudolph V. DeGeorge, II  
Rudolph V. DeGeorge, II, Esq.  
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/s/ John J. O'Brien, Jr.  
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(781) 239-9988

CERTIFICATE OF SERVICE

I, John J. O'Brien, Jr., attorney for the Defendant-Appellant, hereby certify that on this day I forwarded a true copy of the **STIPULATION OF VOLUNTARY DISMISSAL PURSUANT TO FRAP LOCAL RULE 42(a) OF THE FIRST CIRCUIT AND FRCP 41(A)(1)(ii)** by first class mail, postage pre-paid, to the following counsel of record:

Ronald M. Davids, Esq.  
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Wellesley, MA 02481  
(781) 416-5066  
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/s/ John J. O'Brien, Jr.  
John J. O'Brien, Jr.

DATED: September 25, 2007  
Appl SOD Dist Ct